



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,520	09/08/2003	James W. Strausbaugh	706456US1	9184

24938 7590 01/11/2007
DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION
CIMS 483-02-19
800 CHRYSLER DR EAST
AUBURN HILLS, MI 48326-2757

EXAMINER

BUSS, BENJAMIN J

ART UNIT	PAPER NUMBER
----------	--------------

2129

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/657,520

Applicant(s)

STRAUSBAUGH ET AL.

Examiner

Benjamin Buss

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/16/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-19 are pending in this application.

In the event that Applicant chooses to amend, Examiner suggests the following broad terms be further defined in the

5 claims:

- level of information
- steps
- objective
- interrelationships

10

- accessible
- department
- task
- job

15

- documents
- map window
- timeline
- task window
- interdependency window

20

Claim Objections

Claim 15 is objected to because of the following informalities:

- Claim 15, line 3: Change "to another plurality" to -- to a second plurality --.

Appropriate correction is required.

25

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2129

Claims 8 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 8: It is unclear if the "major task", "one task", "specific tasks" recited are one in the same, or what the exact nature of the relationship between them is.
- 5 - Claim 12: It is unclear if the "major task", "one task", "specific task" recited are one in the same, or what the exact nature of the relationship between them is.
- Claim 12 recites the limitation "the interdependency window" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer system must set forth a practical application of that §101 judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ at 676-77. The invention is ineligible because it has not been limited to a substantial practical application. The mere existence of abstract levels of information or abstract windows is useless in a real world situation. The claims merely recite a 101 judicial exception of a mathematical abstraction and/or algorithm. At best, the claims are directed to software, per se, and are not statutory.

In determining whether the claim is for a "practical application," the focus is not on whether the steps taken to achieve a particular result are useful, tangible, and concrete. If the claim is directed to a practical application of the §101 judicial exceptions producing a result tied to the physical world that does not preempt the judicial exception, then the claim meets the statutory requirement of 35 U.S.C. §101.

Claims 1-11 are directed to an interactive organizational tool (claims 1-7) and a drill down interactive tool (claims 8-11) comprising levels of information. This claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomenon) since it fails to produce a useful, concrete and tangible result. Specifically, the claimed subject matter does not produce

Art Unit: 2129

(A) a useful result because the claimed subject matter fails to sufficiently reflect at least one practical utility set forth in the descriptive portion of the specification. More specifically, while the disclosure mentions practical utilities such as building an automobile, designing a part, or performing a service, the claimed subject matter relates ONLY to a tool having levels of abstract information. While having no disclosed utility, this tool is claimed so broadly as to clearly preempts all substantial practical applications of an organizational tool.

(C) a tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulated data. More specifically, the claimed subject matter provides for no claimed result, but merely the existence of various information. Even though claim 7 recites the that the levels are stored on a computer, they are still merely nonfunctional descriptive material because no data structure which would enable any functionality to be realized has been defined and recited in the claims. This produced result remains in the abstract and, thus, fails to achieve the required status of having real world value.

Claims 12-19 are directed to an online drill down interactive tool. This claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomenon) since it fails to produce a useful, concrete and tangible result. Specifically, the claimed subject matter does not produce

(A) a useful result because the claimed subject matter fails to sufficiently reflect at least one practical utility set forth in the descriptive portion of the specification. More specifically, while the disclosure mentions practical utilities such as building an automobile, designing a part, or performing a service, the claimed subject matter relates ONLY to a tool having abstract windows which are defined to be able to convey information. It is not clear how the information is necessarily conveyed nor to whom or what the information may be conveyed. It is not clear that there is necessarily any functionality to the claimed invention at all.

(C) a tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulated data. More specifically, the claimed subject matter provides for the existence of related windows, which are merely abstract concepts. The specification defines the windows to NOT be limited to computer applications such that they may be "sheets of paper or any other method of conveying

Art Unit: 2129

information" (specification pages 3-4). This produced result remains in the abstract and, thus, fails to achieve the required status of having real world value.

The invention must be for a practical application and either:

1) specify transforming (physical thing – article) or

2) have the Final Result (not the steps) achieve or produce a

useful (specific, substantial, AND credible),

concrete (substantially repeatable/non-unpredictable), AND

tangible (real world/non-abstract) result

(tangibility is the opposite of abstractness).

A claim that is so broad that it reads on both statutory and non-statutory subject matter must be amended, and if the specification discloses a practical application but the claim is broader than the disclosure such that it does not require the practical application, then the claim must be amended. A claim that recites a computer that solely calculates a mathematical formula is not statutory.

In the present case, claims 1-11 preempt substantial practical applications of at least an organization tool, a scheduling tool, an organizational mapping tool, a tutoring tool, etc. Claims 12-19 preempt substantial practical applications of at least hierarchical classifiers, Gantt charts, software applications for task planning, etc.

The courts have also held that a claim may not preempt ideas, laws of nature or natural phenomena. The concern over preemption was expressed as early as 1852. See Le Roy v. Tatham, 55 U.S. (14 How.) 156, 175 (1852) ("A principle, in the abstract, is a fundamental truth; an original cause; a motive; these cannot be patented, as no one can claim in either of them an exclusive right."); Funk Bros. Seed Co. v. Kalo Inoculant Co., 333 U.S. 127, 132, 76 USPQ 280, 282 (1948).

Accordingly, one may not patent every "substantial practical application" of an idea, law of nature or natural phenomena because such a patent "in practical effect would be a patent on the [idea, law of nature or natural phenomena] itself." "Here the "process" claim is so abstract and sweeping as to cover both known and unknown uses of the BCD to pure-binary conversion. The end use may (1) vary from the operation of a train to verification of drivers' licenses to researching the law books for precedents and (2) be performed through any existing machinery or future-devised machinery or without any apparatus." Gottschalk v. Benson, 409 U.S. 63, 71-72, 175 USPQ 673, 676 (1972).

Art Unit: 2129

Furthermore, Applicant should keep in mind that merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored in a computer-readable medium, in a computer, or on an electromagnetic carrier signal does not make it statutory. See Diehr, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in Benson were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer").

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

Claims 1-19 are also rejected under 35 U.S.C. 112, first paragraph because current case law (and accordingly, the MPEP) require such a rejection if a 101 rejection is given because when Applicant has not in fact disclosed the practical application for the invention, as a matter of law there is no way Applicant could have disclosed how to practice the undisclosed practical application. This is how the MPEP puts it:

("The how to use prong of section 112 **incorporates as a matter of law** the requirement of 35 U.S.C. §101 that the specification disclose as a matter of fact a practical utility for the invention.... If the application fails as a matter of fact to satisfy 35 U.S.C. §101, then the application also fails as a matter of law to enable one of ordinary skill in the art to use the invention under 35 U.S.C. §112."; In re Kirk, '376 F.2d 936, 942, 153 USPQ 48, 53 (CCPA 1967) ("Necessarily, compliance with §112 requires a description of how to use presently useful inventions, **otherwise an applicant would anomalously be required to teach how to use a useless invention.**"). See, MPEP §2107.01 (IV), quoting In re Kirk (emphasis added).

Therefore, claims 1-19 are rejected on this basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by **Breslin** (USPN 5,321,610).

Art Unit: 2129

Claim 1:**Breslin** anticipates:

- a first level of information defining the steps necessary to complete an objective (C1-29 especially
5 "PROCESS FLOWS" and "SYSTEM MODULES" in Figure 7 and the related discussion in the disclosure);
- a second level of information defining interrelationships between work positions (C1-29 especially
"ORGANIZATION" in Figure 7 and the related discussion in the disclosure);
- a third level of information defining what each work position must accomplish (C1-29 especially "JOB
DESCRIPTIONS" in Figure 7 and the related discussion in the disclosure);
- 10 - wherein the first, second, and third levels are organized such that the second level is accessible from the first
level and the third level is accessible from the second level (C1-29 especially Figure 7 and the related
discussion in the disclosure).
 - o *Examiner interprets the phrases "information defining the steps necessary to complete an objective",
15 "information defining interrelationships between work positions", and "what each work position must
accomplish" to be nonfunctional descriptive material which does not affect the patentable
functionality of the claimed invention. Furthermore, lacking a clear definition, "accessible" is so
broad as to allow the entire claim to be met by ANY hierarchical tool, iterative tool, recursive tool, OR
procedure tool with at least three steps, levels, stages, or layers of abstraction.*

20 **Claim 2:****Breslin** anticipates:

- wherein the second level of information includes those work positions that have a task to perform to
complete any step from the first level of information (C1-29 especially Figure 7 and the related discussion in
the disclosure).
 - 25 o *Examiner interprets this claim to be directed exclusively to nonfunctional descriptive material that
fails to further limit the parent claim, therefore the limitations have already been met above.*

Art Unit: 2129

Claim 3:**Breslin** anticipates:

- wherein the third level defines the sub-steps that each work position is responsible for completing (C1-29 especially Figure 7 and the related discussion in the disclosure).

5 ○ *Examiner interprets this claim to be directed exclusively to nonfunctional descriptive material that fails to further limit the parent claim, therefore the limitations have already been met above.*

Claim 4:**Breslin** anticipates:

- 10 - a fourth level of information defining a work product and a destination for the work product for each sub-step defined in the third level of information (C1-29 especially Figure 7 and the related discussion in the disclosure).

 ○ *Examiner interprets this claim to be directed exclusively to nonfunctional descriptive material that fails to further limit the parent claim, therefore the limitations have already been met above.*

15

Claim 5:**Breslin** anticipates:

- a data store having a plurality of documents therein, the data store accessible from the fourth level of information (C1-29 especially Figure 7 and the related discussion in the disclosure).

20 ○ *Examiner interprets this claim to be directed exclusively to nonfunctional descriptive material that fails to further limit the parent claim, therefore the limitations have already been met above.*

Claim 6:**Breslin** anticipates:

- 25 - wherein the fourth level of information further defines what work positions must interact with each other (C1-29 especially Figure 7 and the related discussion in the disclosure).

 ○ *Examiner interprets this claim to be directed exclusively to nonfunctional descriptive material that fails to further limit the parent claim, therefore the limitations have already been met above.*

Art Unit: 2129

Claim 7:

Breslin anticipates:

- wherein the first, second, and third levels are stored on a computer (C1-29 especially "computer environment" C9L50-60).
 - o *Examiner interprets this claim to be directed merely to abstract information contained on the computer and therefore also merely nonfunctional descriptive material that fails to further limit the parent claim.*

Claim 8:

Breslin anticipates:

- a first level having a plurality of major tasks that define how to accomplish an objective (C1-29 especially "PROCESS FLOWS" and "SYSTEM MODULES" in Figure 7 and the related discussion in the disclosure);
- a second level for each major task that identifies departments that must perform at least one task to complete the major task (C1-29 especially "ORGANIZATION" in Figure 7 and the related discussion in the disclosure);
- a third level for each department that identifies each individual job within the department that must perform at least one task to complete the major task (C1-29 especially "JOB DESCRIPTIONS" in Figure 7 and the related discussion in the disclosure);
- a fourth level for each individual job defining a plurality of specific tasks needed to complete the major task (C1-29 especially "PROCEDURES" in Figure 7 and the related discussion in the disclosure); and
- wherein any one level may be accessed from a preceding or a succeeding level (C1-29 especially Figure 7 and the related discussion in the disclosure)..

Art Unit: 2129

- 5 o *Examiner interprets the phrases "having a plurality of major tasks that define how to accomplish an objective", "for each major task that identifies departments that must perform at least one task to complete the major task", "for each department that identifies each individual job within the department that must perform at least one task to complete the major task", and "for each individual job defining a plurality of specific tasks needed to complete the major task" to be nonfunctional descriptive material which does not affect the patentable functionality of the claimed invention. Furthermore, lacking a clear definition, "accessible" is so broad as to allow the entire claim to be met by ANY hierarchical tool, iterative tool, recursive tool, OR procedure tool with at least four steps, levels, stages, or layers of abstraction.*
- 10

Claim 9:**Breslin** anticipates:

- a fifth level for each specific task defining at least one required work product (C1-29 especially Figure 7 and the related discussion in the disclosure).
- 15 o *Examiner interprets this claim to be directed exclusively to nonfunctional descriptive material that fails to further limit the parent claim, therefore the limitations have already been met above.*

Claim 10:**Breslin** anticipates:

- 20 - a sixth level having a plurality of documents for each fifth level (C1-29 especially Figure 7 and the related discussion in the disclosure).
- o *Examiner interprets this claim to be directed exclusively to nonfunctional descriptive material that fails to further limit the parent claim, therefore the limitations have already been met above.*

25 Claim 11:**Breslin** anticipates:

- wherein the first, second, and third levels are accessible to the entire organization (C1-29 especially Figure 7 and the related discussion in the disclosure).

Art Unit: 2129

- *Examiner interprets this claim to be directed exclusively to nonfunctional descriptive material that fails to further limit the parent claim, therefore the limitations have already been met above.*

Claim 12:5 **Breslin** anticipates:

- a map window having a plurality of major tasks organized on a timeline that define how to accomplish the objective, each major task identifying specific jobs that have at least one task necessary to complete the major task (C1-29 especially Figure 3 and the corresponding discussion in the disclosure);
- a task window for each job identified by the interdependency window, the task window including at least one
10 specific task organized on the timeline that is needed to complete a given major task (C1-29 especially C19L50-C20L15 and the expansion of task 8 in Figure 4); and
- wherein the task windows are accessible by selecting a major task from the map window (C1-29 especially Figures 3-4 and the corresponding discussion in the disclosure).
 - *Examiner acknowledges Applicant's assertion that "windows" are ANY method of conveying
15 information (specification pages 3-4). Based on this broad and abstract definition, the broadest reasonable interpretation of this claim is any tool by which a task on a timeline can be accessed to provide more detail on the task.*

Claim 13:20 **Breslin** anticipates:

- wherein each major task includes a plurality of icons representing individual jobs or departments within the organization (C1-29 especially C19L50-C20L15 and the expansion of task 8 in Figure 4 and "detailed job description for each position having tasks to be performed" C12L30-65).
 - *Examiner interprets the phrase "representing individual jobs or departments within the organization"
25 to be non-functional descriptive material which does not affect the patentable functionality of the claimed invention.*

Art Unit: 2129

Claim 14:**Breslin** anticipates:

- wherein for each major task at least one of the plurality of icons are selectable by a user, and only those plurality of icons that are selectable represent specific individual jobs or departments that have at least one task to perform to complete the major task (C1-29 especially C19L50-C20L15 and the expansion of task 8 in Figure 4 and "detailed job description for each position having tasks to be performed" C12L30-65).
 - o *Examiner interprets the phrase "represent specific individual jobs or departments that have at least one task to perform to complete the major task" to be non-functional descriptive material which does not affect the patentable functionality of the claimed invention.*

Claim 15:**Breslin** anticipates:

- wherein selecting a highlighted icon leads to the task window if the icon represents a specific job and leads to another plurality of selectable icons if the icon represents a department (C1-29 especially C19L50-C20L15 and the expansion of task 8 in Figure 4 and "detailed job description for each position having tasks to be performed" C12L30-65).
 - o *Examiner interprets the phrases "represents a specific job" and "represents a department" to be non-functional descriptive material which does not affect the patentable functionality of the claimed invention.*

Claim 16:**Breslin** anticipates:

- wherein the second plurality of icons represent specific jobs, and a selectable icon represents a specific job having at least one task to perform relating to the major task (C1-29 especially C19L50-C20L15 and the expansion of task 8 in Figure 4 and "detailed job description for each position having tasks to be performed" C12L30-65).
 - o *Examiner interprets the phrase "represent a specific jobs" to be non-functional descriptive material which does not affect the patentable functionality of the claimed invention.*

Art Unit: 2129

Claim 17:**Breslin** anticipates:

- wherein each specific task in the task window includes a list of sub-tasks that define how to accomplish each specific task (C1-29 especially C19L50-C20L15 and the expansion of task 8 in Figure 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Breslin** (USPN 5,321,610) in view of **Austin** (USPGP 2004/0034662).

Claim 18:**Breslin** fails to teach:

- wherein each specific task includes a link to an interdependency chart identifying all others that the specific individual job must interact with in order to accomplish the specific task.

Austin teaches:

- wherein each specific task includes a link to an interdependency chart identifying all others that the specific individual job must interact with in order to accomplish the specific task (pp1-8 especially Figures 1, 10, and 17a-17f and the associated discussion in the disclosure).

Motivation:

Breslin and **Austin** are from the same field of endeavor, task planning. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of **Breslin** by providing an interdependency chart or matrix for each job of the objective as taught by **Austin** for the benefit of to significantly improve the performance and capabilities of the planning tool (**Austin** ¶5).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hertel-Szabadi (USPGP 2003/0233267)
- 5 - Larkin (USPN 6,906,709)
- Clarke (USPGP 2006/0053043)
- Kapler (USPGP 2006/0238538)
- Bartak ("Integrated Modelling for Planning, Scheduling, and Timetabling Problems")
- Decker ("Coordinating Human and Computer Agents")
- 10 - Erol ("Semantics for Hierarchical Task-Network Planning")
- Erol ("Complexity Results for HTN Planning")
- Harrison ("The Design and Performance of a Real-time CORBA Event Service")
- Myers ("PASSAT: User-centric Planning Technology")
- Smith (Bridging the Gap Between Planning and Scheduling")

15
Claims 1-19 are rejected.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed
20 to Benjamin Buss whose telephone number is 571-272-5831. The examiner can normally be reached on M-F 9AM-5PM.

As detailed in MPEP 502.03, communications via Internet e-mail are at the discretion of the applicant.
Without a written authorization by applicant in place, the USPTO will not respond via Internet e-mail to any Internet
correspondence which contains information subject to the confidentiality requirement as set forth in 35 U.S.C. 122. A
25 paper copy of such correspondence will be placed in the appropriate patent application. The following is a sample
authorization form which may be used by applicant:

"Recognizing that Internet communications are not secure, I hereby
authorize the USPTO to communicate with me concerning any subject
matter of this application by electronic mail. I understand that a copy of

Art Unit: 2129

these communications will be made of record in the application file."

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on 571-272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

5 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10

Benjamin Buss
Examiner
Art Unit 2129

BB


DAVID VINCENT
SUPERVISORY PATENT EXAMINER